

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

FRANCIS SCHAEFFER COX,

Plaintiff,

v.

Case No. 17-cv-338-JPG-DGW

WILLIAM TRUE, KATHERINE SIEREVELD,
ANGELA DUNBAR, KATHY HILL, GARY
BURGESS, RICHARD BLYTHE, RAHSAAN
BASKERVILLE, CHAD KRAWCYZK, FEDERAL
BUREAU OF PRISONS and HUGH HURWITZ,

Defendants.

JUDGMENT

This matter having come before the Court, the issues having been heard, and the Court having rendered a decision,

IT IS HEREBY ORDERED AND ADJUDGED that the following claims are dismissed with prejudice:

- Count 1, to the extent it asserts an “as applied” challenge under the Fifth Amendment Due Process Clause to BOP PS 5265.14 and BOP PS 5270.09 against defendants Siereveld, Dunbar, Hill, Burgess, Blythe, Baskerville, and Krawczyk;
- Count 2, a First Amendment claim against defendants Blythe, True, and Siereveld for disciplining plaintiff and withholding certain items of his mail between December 22, 2016, and January 9, 2017, for allegedly conducting a business;
- Count 3, a First Amendment claim against defendant Hill for instructing plaintiff not to communicate with Joshua Ligairi and causing plaintiff not to communicate further with Ligairi;
- Count 4, a First Amendment claim against defendant Hill for approving discipline against plaintiff for attempting to communicate with the media, as recounted in disciplinary report #2882521, #2914457, and #2931834; and
- Count 6, a claim against defendants Dunbar, True, and Siereveld for negligence for failing to prevent the conspiracy alleged in Count 5 in violation of Plaintiff’s First and Fifth Amendment rights pursuant to 42 U.S.C. § 1986;

IT IS FURTHER ORDERED AND ADJUDGED that the following claims are dismissed without prejudice:

- Count 1, to the extent it asserts a facial challenge under the Fifth Amendment Due Process Clause to BOP PS 5265.14 and BOP PS 5270.09 against defendants Hurwitz and True;
- Count 5, a claim against defendants True, Siereveld, Dunbar, Hill, Burgess, Blythe, Baskerville, and Krawczyk for conspiracy to violate plaintiff's First and Fifth Amendment rights in violation of 42 U.S.C. § 1985(3) by retaliating against plaintiff for receiving a letter from Ligairi;
- Count 7, a claim against defendant Dunbar for denying plaintiff's Fifth Amendment due process rights when she transferred him from USP Marion's general population to the Communications Management Unit on August 30, 2016;
- Count 8, a claim against defendant Dunbar for retaliation for plaintiff's exercise of First Amendment rights when she transferred him from USP Marion's general population to the Communications Management Unit on August 30, 2016;
- Count 9, a claim against defendant Burgess for retaliation by substantiating incident reports #2882521 and #2914557 without sufficient evidence in violation of plaintiff's First Amendment rights;
- Count 10, a claim against defendant Baskerville for retaliation by substantiating incident report #2931834 without sufficient evidence in violation of plaintiff's First Amendment rights;
- Count 11, a claim against defendant Krawczyk for retaliation by substantiating incident report #2882521 without sufficient evidence in violation of plaintiff's First Amendment rights;
- Count 12, a claim against defendant Burgess for depriving plaintiff of his Fifth Amendment due process rights by substantiating incident reports #2882521, #2914457, and #2931834 without sufficient evidence;
- Count 13, a claim against defendant Krawczyk for violation of plaintiff's Fifth Amendment due process rights by referring the incident report #2882521 to a Disciplinary Hearing Officer despite knowing that the report was unsupported by evidence;
- Count 14, a claim against defendant Baskerville for violating plaintiff's Fifth Amendment due process rights by substantiating incident report #2931834 without sufficient evidence; and

- Count 15, a claim against defendant Blythe for violating plaintiff's Fifth Amendment due process rights by issuing incident reports #2882521, #2914557, and #2967316, and against defendants Blythe and Siereveld for violating plaintiff's Fifth Amendment due process rights by issuing incident report #2931834, despite knowing the reports were false.

DATED: January 3, 2019

MARGARET M. ROBERTIE, Clerk of Court

s/Tina Gray, Deputy Clerk

Approved: s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE